



Fort Mojave Indian Tribe
Department of Emergency Response
Russell Ray, Environmental Operations Manager
500 Merriman Avenue ▪ Needles, CA. 92363
PHONE -760 326-9650 FAX - 760 326-9652 CELL – 805-217-1999

August 2, 2013

Tess Salire
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
Re: LUST Incident Report

Dear Ms. Salire,

With this letter, the Fort Mojave Indian Tribe reports a breach of an underground storage tank that contains a high-octane premium fuel at a gas station owned and operated by the Fort Mojave Indian Tribe located at:

8501 S. Highway 95, Mohave Valley. AZ 86440

Business entity name is Fort Mojave Smoke Shop. The smoke shop also operates as a gas station that sells both unleaded and premium fuels. This service station has (3) underground storage tanks; the station itself is approximately 12000 feet². The UST zone at this station covers roughly 1000 feet²; the distance from the USTs to the service station is 15'. Those tanks were constructed in the mid- to late 1980s. All were constructed using single-wall fiberglass construction. The UST that was breached is one that contains high-octane premium fuel, and is located at the SW corner of the lot.

Please see attached incident report prepared by the Fort Mojave Indian Tribe's Environmental Protection Department. To summarize the content of that report, service station personnel reported a possible leak of premium-grade fuel from an underground storage tank located at the above-stated address at approximately 9:00 AM 8-1-2013. Tribal Environmental Office personnel responded to the site of the spill, and were met by a service station supervisor and technicians contracted to test the station's UST for leaks. Those technicians discovered a loss of compressed air in the tank, and within minutes had announced that premium-grade fuel was leaking at a rate of (roughly) 1.5 gallons per hour.

Pursuant to § 280.61 (Initial Response):

Upon confirmation of a release in accordance with § [280.52](#) or after a release from the UST system is identified in any other manner, owners and operators must perform the following initial response actions within 24 hours of a release or within another reasonable period of time determined by the implementing agency:

(a) Report the release to the implementing agency (e.g., by telephone or electronic mail);

Response: The Fort Mojave Indian Tribe's Environmental Operations Manager (Russell Ray) contacted Steven Linder, EPA Region 9 UST Programs Manager at 2:00 PM, 8-1-2013 to report our discovery of a leaking underground storage tank within the Reservation boundary.

(b) Take immediate action to prevent any further release of the regulated substance into the environment

Response: (1) Russell Ray (Environmental Operations Manager) contacted Tribal Authorities Luke Johnson, Tribal Environmental Director, and Lisa Wayne, Tribal Business Development Director (11:30 AM 8-2-2013) to inform them of the underground storage tank leak at 8501 S Highway 95; (2) Mr. Johnson and Ms. Wayne contacted Tribal Government authorities to inform them of the UST breach, and to advise them of the urgency of immediate removal of the fuel stored in the leaking UST; (3) Tribal government moved immediately to contact AzTech Petroleum Service (2:20 PM) to pump the remainder of the leaking high-octane fuel out of the defective UST. Fuel removal from the affected tank was completed at roughly 7:10 PM 8-2-2013

(c) Identify and mitigate fire, explosion, and vapor hazards.

Fort Mojave Smoke Shop personnel closed access to the area of the LUST at approximately 7:45 AM. About five minutes later, the premium fuel UST and pumps were shut down and labeled as **OUT OF ORDER**. The UST area of the service station was roped off to isolate any potential danger to employees or to customers. That area remained closed off throughout the entire day (through 7:45 PM).

Pursuant to § 280.62 (Initial abatement measures and site check):

Unless directed to do otherwise by the implementing agency, owners and operators must perform the following abatement measures:

- (1) Remove as much of the regulated substance from the UST system as is necessary to prevent further release to the environment. Fuel removal completed at 7:10 PM, 8-1-2013
- (2) Visually inspect any aboveground releases or exposed belowground releases and prevent further migration of the released substance into surrounding soils and ground water. Visual inspection and initial hazard prevention conducted throughout the day, 8-1-2013
- (3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements). Continuous since 7:45 AM 8-1-2013.
- (4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator must comply with applicable State and local requirements. Soil removal and abatement will begin the week of August 5-9, 2013.
- (5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check required by § 280.52(b) or the closure site assessment of § 280.72(a). In selecting sample types, sample locations, and measurement methods, the owner and operator must consider the nature of the stored substance, the type of backfill, depth to ground water and other factors as appropriate for identifying the presence and source of the release. Depth to groundwater has been determined to be 15' – 20'. Aquifer slope is gradual; hydrogeologic direction is SSE, and the rate of monthly hydrogeologic flow is approximately 20'. Consequent to the last UST pressure test, the Tribe's Environmental

Protection Office believes that some soil contamination has occurred onsite. We also believe that some groundwater contamination has occurred underlying Tribal land immediately south of the service station. Land use is mixed immediately south of the LUST. Adjacent land there contains a collection of Tribal enterprises that include a casino, car wash, and laundromat, all contained within Tribal boundaries. Further SSE of the service station (roughly 700') land use is characterized by large private lots that contain a single-family home (each) and is characterized as primarily rural. This is non-Tribal land. Immediately to the west of those residences is farmland that is currently cultivated with cotton and alfalfa. It is unlikely that any below-ground release of fuel has traveled at such a rate that the aquifer underlying these (rural) residences has been affected. Nonetheless, the Fort Mojave Tribe will conduct groundwater analysis as far south (concurrent with the direction of groundwater flow) as necessary to ensure that groundwater remediation activity is sufficiently inclusive of all potentially affected areas.

- (6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with § 280.64. The Fort Mojave Indian Tribe will test site soils and groundwater immediately upon contracting with a private remediation firm.

Conclusion

The Fort Mojave Indian Tribe will submit a report to U.S. EPA within 20 days after release confirmation, or within another reasonable period of time determined by EPA. The Tribe and its contractors will submit a report to EPA summarizing the initial abatement steps taken under paragraph (a) of this section and any resulting information or data. Most important, § 280.62 — Initial abatement measures and site check, and second, § 280.63 — Initial site characterization, are currently ongoing. Any assistance forthcoming from EPA to the Fort Mojave Tribe will be appreciated, and (concurrently) all advice offered to the Tribe is most welcome.

Sincerely,

A handwritten signature in black ink, appearing to read 'Russell Ray', with a stylized, looping flourish at the end.

Russell Ray
Environmental Operations Manager
Fort Mojave Indian Tribe of Arizona, California and Nevada

cc: Luke Johnson, Environmental Director, Fort Mojave Indian Tribe
Steven Linder, Underground Storage Tanks Program Manager, U.S. Environmental Protection Agency